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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/924,111

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Michael A. Gaul

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01/29/2008

SCIENTIFIC-ATLANTA, INC.

INTELLECTUAL PROPERTY DEPARTMENT

5030 SUGARLOAF PARKWAY

LAWRENCEVILLE, GA 30044

EXAMINER

PENG, FRED H

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

01/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

# Office Action Summary

Application No.

09/924,111

Applicant(s)

GAUL ET AL.

Examiner

Fred Peng

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,10-23,26,30-36,39,43-48,51 and 55-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,10-23,26,30-36,39,43-48,51 and 55-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

**DETAILED ACTION**

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48, 51 and 55-74 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6, 10-14, 17-23, 26, 30-36, 39, 43-48, 51 and 55-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward et al (US 2007/0186240).

Regarding Claims 1, 17, 30 and 43, Ward discloses a system and corresponding method for providing interactive media services comprising:

memory (inherent) for storing IPG (FIG.1) configuration data (software instructions) that is used to determine an IPG channel listing characteristic (look of the EPG/IPG information displayed; Para 28) where the channel listing characteristic comprises a predetermined number of channels presented concurrently (Para 214); and

logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic, wherein the IPG channel listing characteristic is represented by an object indicia presented to the user (FIG.1; element 20) and an action for reconfiguring the IPG channel listing characteristic is represented by a tool indicia presented to the user (FIG.1, element 18) such that a first user input of selecting the object indicia and the action indicia modifies the IPG channel listing characteristic (FIG.6; user first select Schedule button; and user can Remove or Change the schedule program list from action button).

Regarding Claim 2, Ward further discloses the memory is non-volatile memory (Para 42 lines 1-5).

Regarding Claims 3, 19-21,32-34, 45, and 46, Ward further discloses an IPG screen that is configured in accordance with the first user input (FIG.1; menu/option input) is presented to a user in response to receiving a second user input (Para 31; command to display the EPG while normally watching TV, i.e., video only).

Regarding Claims 6, 26, 39 and 51, Ward discloses a system and corresponding method for providing interactive media services comprising:

memory (inherent) for storing IPG (FIG.1) configuration data (software instructions) that is used to determine an IPG time listing characteristic (look of the EPG/IPG time information displayed) where the time listing characteristic is at least **one** of the following:

a predetermined number of time listings presented concurrently and

a predetermined coverage of a time listing (Para 127; Para 190; one day coverage of a time listing); and

logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic (FIG.1, user selects Schedule button), wherein the IPG time listing characteristic is represented by an object indicia presented to the user (FIG.1; Schedule button) and an action for reconfiguring the IPG time listing characteristic is represented by a tool indicia presented to the user (FIG.6; Remove or Change Button) such that a first user input of selecting the object indicia and the action indicia modifies the IPG time listing characteristic (user can change the schedule for the selected programs).

Regarding Claims 10-11, 22-23, 35-36, and 47-48, Ward further discloses an IPG screen that is configured in accordance with the first user input is presented to a user via a TV device (Para 28).

Regarding Claims 12, 18, 31, and 44, Ward further discloses the first user input is provided via a remote control device (FIG.2; Para 29).

Regarding Claim 13, Ward further discloses the system is a client device (client to the B-caster and Internet servers; Para 249; Para 109).

Regarding Claim 14, Ward further discloses the client device is a digital home communication terminal (DHCT) (Para 113; television system to access internet is DHCT).

Regarding Claims 55, 58, 61, 64, 67, 71 and 73, Ward further discloses the object and tool indicia are represented as a symbol to the user (FIG.6, the schedule button and Remove button are symbols).

Regarding Claims 56, 59, 62, 65, 68, 72 and 74, Ward further discloses the object and tool indicia are represented as a menu options on at least one screen to the user (FIG.6, the schedule button and Remove button are as a menu options).

Regarding Claims 57, 60, 63 and 66, Ward further discloses the object and tool indicia are represented on a request screen generated by the user input (FIG.6 is generated by user input).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 2007/0186240) in view of Lemmons et al (US 6,442,775).

Regarding Claims 15 and 16, Ward discloses the EPG is a shell for access to additional applications by connecting to a server (Para111).

Ward fails to disclose the system is a server device and located at a headend.

In an analogous art, Lemmons discloses an EPG server system located at a headend (television distribution facility 16 - FIG. 1) for generating EPG display screens (Col 5 lines 34-36 & 47-50).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Ward to include the system is a server device and located at a

headend as taught by Lemmons for the added advantage of decreasing the processing load of the receiving device.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
Patent Examiner

Vivek Srivastava  
Supervisory Patent Examiner



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